

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION – DETROIT**

IN THE MATTER OF:

Gary M. Micik
Toni M. Micik, Debtor(s).

CHAPTER 13

CASE NO. 19-43277-TJT

JUDGE THOMAS J. TUCKER

**TRUSTEE'S OBJECTIONS TO
CONFIRMATION OF CHAPTER 13 PLAN**

NOW COMES, the Chapter 13 Trustee, Tammy L. Terry, and objects to confirmation of the Chapter 13 Plan in the above matter pursuant to E.D. Mich. L.B.R. 3015-3(a) and 11 U.S.C. §1307(c)(5) as follows:

1. As of today, the Trustee has not received a true copy of the debtor's Payment Order, or an Electronic Transfer of Funds Payment Order, in contravention of E.D. Mich. L.B.R. 1007-1(c).

2. The Trustee objects to the debtor's treatment of PNC Bank in Class 6.2 and believes this creditor would be more properly treated in Class 4.2 for the arrearage. The Trustee requests that the debtor amend the plan accordingly.

3. The debtor indicates on schedule B that they own a 2003 Ford Windstar. However, the debtor testified at the § 341 First Meeting of Creditors that they now own a 2007 Ford Windstar. The Trustee requests that the debtor amend schedule B accordingly.

4. The Trustee requests that the debtor provide copies of three (3) post-petition pay stubs at least 14 days prior to confirmation.

5. The debtor's Plan fails to provide that all of the debtor's projected disposable income be utilized to fund the Plan. Specifically, the debtor's Schedule J has overstated the following expense(s) in contravention of 11 U.S.C. 1325(a)(3) and/or 11 U.S.C. 1325(b):

- a. Home Maintenance/Repairs - \$200.00.
- b. Cellphone - \$305.00.
- c. Cigarettes - \$300.00.
- d. Union Dues - \$100.00.
- e. Health Insurance - \$189.00.

The Trustee requests that the debtor provide proof of these expenses within fourteen days.

WHEREFORE, the Chapter 13 Trustee requests this Honorable Court deny confirmation of the debtor's (s') Chapter 13 Plan and dismiss this case pursuant to 11 U.S.C. §1307(c)(5).

OFFICE OF THE CHAPTER 13 TRUSTEE-DETROIT

Tammy L. Terry, Chapter 13 Trustee

April 28, 2019

/S/ TAMMY L. TERRY (P-46254)

Chapter 13 Standing Trustee

/s/ KIMBERLY SHORTER - SIEBERT (P-49608)

/s/ MARILYN R. SOMERS-KANTZER (P-52488)

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CERTIFICATE OF MAILING

I hereby certify that on April 22, 2019, a copy of **TRUSTEE'S OBJECTIONS TO CONFIRMATION OF CHAPTER 13 PLAN** was electronically filed with the Clerk of Court, served electronically to the debtor's(s') attorney and a copy of same deposited in the U. S. Mail to the debtor (s) at the address as it appears below.

/s/ Terri Dooms

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